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CENTRAL INTELLIGENCE AGENCY




Director of Congressional Affairs

OCA 87-5651
6 November 1987

Judge:

At breakfast with Senator Bradley, he said that the strongest arguments against a statutory Inspector General were arguments that showed how a statutory system would weaken the Inspector General function. Attached on the right side of this folder are talking points responding to Senator Bradley's suggestion. On the left side are talking points that we had provided for you previously.


David D. Gries

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Attachments--Refer to OCA 87-5653(right hand)
OCA 87-5531 & 5562 (left hand)

D/OCA/DDG:  (6 Nov 87)

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OCA 87-5562
2 November 1987

NOTE FOR: The Director
FROM: Dave Gries
SUBJECT: Statutory Inspector General

Attached at Tab A are talking points that explain our reasons for opposing legislation to create a statutory Inspector General. Senator Specter has introduced such legislation, and the Iran/Contra Committee may endorse the concept.

Attached at Tab B is a copy of the portion of the Specter bill dealing with a statutory Inspector General. I have also attached at Tab C a copy of the Inspector General Act of 1978 that creates a statutory Inspector General for a variety of other agencies and departments. You will note that the Act of 1978 gives the Inspector General broader powers and responsibilities than are contained in the Specter bill. There is no legislation at this point which would add CIA to the list of agencies subject to the Act of 1978.

Attachments
as stated

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TALKING POINTS ON STATUTORY INSPECTOR GENERAL

1. Changes in the Office of Inspector General will be announced shortly that will strengthen that Office, and these changes should be given a chance to work before Congress enacts new legislation.

2. Congress at one time considered establishing a statutory Inspector General at the FBI, but you persuaded Members to wait to determine whether the Office could be strengthened without resorting to statutory provisions. The members were satisfied with the result, and Congress is no longer calling for a statutory Inspector General at the FBI.

3. A statutory inspector would be appointed by the President with the advice and consent of the Senate. He could only be removed by the President. He would be under the general supervision of the Director. Such an independent entity in the Agency could be viewed by the rest of the Agency as adversarial. If an adversarial relationship developed, employees would be unlikely to volunteer information to the Inspector General. Thus, enactment of a statutory Inspector General could lead to the perverse result of the Inspector General receiving less information than is currently the case.

4. Under the Specter bill, semi-annual reports would have to be made on the activities of the Inspector General. The reports would be transmitted to the oversight committees. The Inspector General would also have to report to the committees serious problems, violations of law or regulation, or serious deficiencies relating to the administration of programs and operations of the Agency. It is likely that these reports would trigger requests for Inspector General investigations. The proliferation of such reports and investigations could make Agency employees reluctant to share information with the Inspector General for fear that it would not be held in confidence.

5. The Inspector General has traditionally been a career Agency official. As a career official, the Inspector General has the understanding of the Agency necessary to conduct competent investigations. It is not likely that a career Agency official would be appointed as a statutory Inspector General. It would take time for a non-CIA official appointed Inspector General to gain sufficient experience to lead an investigation, and during this interim period the effectiveness of the Office of Inspector General would suffer.

6. Under the Specter bill, a statutory Inspector General would have subpoena power. This would allow the Inspector General to conduct inquiries outside the Agency. Allowing CIA to conduct domestic, quasi-law enforcement investigations would be inconsistent with the charter of the CIA.

7. A statutory Inspector General will not by itself solve the problem, as perceived by Congress, of a weak Office of the Inspector General. This problem can only be remedied administratively by getting highly qualified people to serve in the Office of the Inspector General; by making clear to Agency employees that you expect all employees to cooperate fully with the Inspector General; and by establishing that Agency employees who lie to the Inspector General will be punished severely.

8. An independent Inspector General could create the perception among potential sources and foreign liaison services that the Director was unable to protect sensitive intelligence sources, including information provided by the liaison service. This could lead to a reduction in cooperation with CIA by sources and liaison services.

9. The Specter bill attempts to address this problem by providing that the DCI may prohibit the Inspector General from initiating or completing an investigation into an ongoing operation if the DCI determines that such a prohibition is necessary to protect the vital national security interests of the United States. The DCI would have to report to the oversight committees within 7 days the exercise of his power to stop an investigation. The reporting requirement would make it unlikely that any DCI would exercise the powers granted under the Specter bill to stop an investigation on grounds of national security. Further, the report to Congress would likely trigger a Congressional investigation.

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